

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

CT102 LLC d/b/a METRO MOTORS and
H. JEFFREY BAKER,

Plaintiffs,

v.

AUTOMOTIVE FINANCE CORPORATION
d/b/a AFC; NEXTGEAR CAPITAL, INC.;
MANHEIM, INC.; and ADESA, INC.,

Defendants.

CASE NO. 1:20-CV-00356

**THIRD SUPPLEMENTAL NOTICE
OF RELATED ACTIONS OR PROCEEDINGS OF
DEFENDANT AUTOMOTIVE FINANCE CORPORATION D/B/A AFC**

Defendant Automotive Finance Corporation d/b/a AFC (“AFC”), by counsel, and pursuant to Local Rule Civil 9.1, hereby submits its *Third Supplemental Notice of Related Actions or Proceedings* and states as follows:

1. On October 14, 2020, AFC filed its *Notice of Related Actions or Proceedings of Defendant Automotive Finance Corporation d/b/a AFC* [Doc 22] (the “**Original Notice**”), providing the Court notice of pending litigation entitled *Automotive Finance Corporation d/b/a AFC Automotive Finance Corporation d/b/a AFC v. CT102 LLC d/b/a Metro Motors and Herman Jeffrey Baker a/k/a H. Jeffrey Baker a/k/a Herman H. Baker a/k/a H J Baker a/k/a Jeffrey Baker a/k/a Jeff Baker*, Cause No. 49D06-1812-CC-047850, in the Marion Superior Court, Civil Division 06, Marion County, Indiana (collectively, the “**Indiana Litigation**”).
2. On March 1, 2021, AFC filed its *Supplemental Notice of Related Actions or Proceedings*, informing this Court that AFC had prevailed in the Indiana Litigation after a trial

on the merits held January 5-6, 2021 (the “**Supplemental Notice**”) [Doc 35], leaving only the determination of interest and attorney’s fees to be awarded to AFC.

3. On April 26, 2021, AFC filed its *Second Supplemental Notice of Related Actions or Proceedings of Defendant Automotive Finance Corporation D/B/A AFC* [Doc 37] (“**Second Supplemental Notice**”), attaching thereto the Indiana Court’s *Entry of Final Judgment*.¹

4. Since the filing of the Second Supplemental Notice, on August 3, 2021, plaintiff H. Jeffrey Baker (“**Mr. Baker**”) filed his Small Claims Notice of Suit-Complaint against attorney for AFC, Cassandra A. Nielsen, in the Small Claims Division of the District Court of Rhode Island, a true and correct copy of which is attached hereto as Exhibit 1 (the “**Small Claims Suit**”). The Small Claims Suit filed by Mr. Baker alleges impropriety by Ms. Nielsen in the course of her employment as AFC’s counsel in the Indiana Litigation. The Small Claims Suit was sent to Ms. Nielsen via e-mail on August 3, 2021 but, as of the filing of this Notice, Ms. Nielsen has not been served (nor does there appear to be any personal jurisdiction over her in Rhode Island).

5. On August 9, 2021, plaintiffs filed their Appellants’ Brief in the appeal of the Indiana Litigation. A true and correct copy of the Appellants’ Brief as served upon AFC’s Indiana counsel is attached hereto and made a part hereof as Exhibit 2.²

6. These materials are provided to inform the Court concerning the status of ancillary or related proceedings and not as an admission by AFC or its counsel as to the merits of any allegations contained in such filings. All rights are reserved to continue to prosecute the

¹ The Entry of Final Judgment is the subject of a pending appeal. *See* Doc 40.

² The Indiana Court of Appeals issued a Notice of Defect dated August 9, 2021 requiring certain technical omissions in the Appellants’ Brief and corresponding Appendix be corrected within ten (10) business days. Exhibit 2 hereto is the amended Brief actually submitted and served on August 10, 2021.

judgment awarded in the Indiana Litigation and to defend any actions or complaints brought by plaintiffs in any of the ancillary or related proceedings identified herein.

Respectfully submitted,

/s/ Joseph V. Cavanagh, III

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*Attorneys for Automotive Finance
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CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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/s/ Joseph V. Cavanagh, III